

### REMARKS

The only issues outstanding in the Office Action mailed May 30, 2003, are the rejections under 35 U.S.C §102 and 103. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

#### Rejections Under 35 U.S.C §102

Claims 1, 9 and 10 have been rejected under 35 U.S.C §102(b) over Shimizu, et. al. (EP '713) and claims 1, 12, 13, 17 and 18 have been rejected under 35 U.S.C §12(b) over Winker, et. al. '603. Neither of these rejections have been applied against claim 19, reciting that the A plate and O plate have the same retardation. Similarly, these rejections have not been applied against claims 15 and 16, wherein the C plate is a film with a pitch of less than 250 nm, nor against claim 2, reciting two negative C plates, nor against claim 3, wherein the C plate is between the A plate and O plate. Thus, the rejection does not apply to new independent claims 20-22, embodying the features of claims 15, 16, 2 and 3.

Moreover, each of these references fails to suggest a compensator comprising an O plate, a A plate and a negative C plate, wherein the A and O plate have the same retardation and thus do not anticipate Claims 1 and 19. It is noted that claim 1 and 19 are supported in the present specification, for example, at page 39, lines 15-17 and 21, as well as by examples 3-10. Thus, withdrawal of the rejections under 35 U.S.C §102 is respectfully requested.

#### Rejections Under 35 U.S.C §103

Claims 2 and 3 have been rejected under 35 U.S.C §103 over Winker. Reconsideration of this rejection is respectfully requested. As noted, Winker does not disclose a compensator having an A plate and a O plate with the same retardation. Such a compensator possesses unexpectedly improved performance, i.e., high contrast and a symmetrical isocontrast plot of the display, versus a compensator wherein the O plate and A plate have different retardation. Attention is directed to the isocontrast plots of present examples 3-10, including an A plate and an O plate with the same retardation (Figures 8a, 9-15 and 16a), compared to those of

comparison example A and B having no A or O plate (Figure 4a, 5a), or compared to those of example 1 and 2 including an A plate or an O plate with different retardation. Thus, claims 2 and 3, as well as claim 1 and all claims dependent thereon, all reciting that the A and O plates have substantially the same retardation are simply not suggested by the reference. Withdrawal of this rejection is therefore respectfully requested.

Moreover, with respect to new independent claims 21 and 22, embodying the features of claims 2 and 3, respectively, it is submitted these claims are also not suggested by the reference. First, Figure 8 of Winker does not show a display with two negative C plates as argued in the Office Action, but with two C plates *without disclosing* whether these are positive or negative C plates. Moreover, the two C plates in Figure 8 are on different sides of the display, i.e., each compensator element shown in Figure 8 includes only one C plate. Thus, the reference fails to teach two negative C plates are included in one compensator element. In the reference, such a display with two such compensators would include a total of four negative C plates. Therefore, Figure 8 of Winker does not disclose or teach a single compensator having multiple negative C plates, nor a *single* compensator where the negative C plate is located between the A and the C plate.

Accordingly, withdrawal of this rejection is also respectfully requested.

Claims 4-8, 11-14 have been rejected under 35 U.S.C §103 over Winker taken with Aminaka, et. al. (EP '906). Reconsideration of this rejection is also respectfully requested, in as much as these claims, dependent upon claim 1, are patentable as discussed above for claims 1 and 19.

Claims 15 and 16 have been rejected under 35 U.S.C §103 over Winker taken with Kaneko '903. Reconsideration of this rejection is also respectfully requested, in as much as it applies to these claims and also to newly added independent claim 20. This combination of references does not suggest a compensator containing, as a negative C plate, a cholesteric film having a helical pitch below 250 nm. Kaneko discloses cholesteric films having a helical pitch of 300 (column 6, lines 38 and column 7, lines 25-28) or 370 nm (column 8, lines 50-54). However, these films have a scattering wavelength of 610, 530 or 490 nm, respectively, which is still within the visible wavelength range. They do therefore reflect light of this wavelength (by

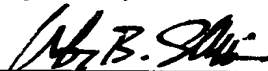
selective scattering, see column 7, lines 15-20). This is in line with the intended function of these films as described in the Kaneko patent, i.e., to enable metallic color displays (see Abstract).

By contrast, a cholesteric film having the helical pitch of less than 250 nm as a consequence reflects light in the invisible UV range. Thus, for visible light, such films do not act as a reflector, but as a retarder, herein as a negative C retarder (see page 18, lines 23-36 of the present application). The combination posed in the Office Action would thus have a completely different function than the films of Kaneko. Films that reflect visible light like those taught by Kaneko could not be used as a negative C retarder for visible wavelengths in a compensator of the present invention. Thus, even if one of ordinary skill in the art were to make the combination suggested in the Office Action, the result would not be within the scope of the present claims. Withdrawal of this rejection is therefore also respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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